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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

AARON ALONSO ROJAS,

Defendant and Appellant.

G053755

(Super. Ct. No. 14WF1291)

O P I N I O N

Appeal from a judgment of the Superior Court of Orange County, Glenda Sanders, Judge. Affirmed.

Richard Jay Moller, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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An information charged defendant Aaron Alonso Rojas with second degree burglary (Pen. Code, §§ 211, 212.5, subd. (c), count 1); criminal threats (Pen. Code, § 422, subd. (a), count 2); and assault with a deadly weapon (Pen. Code, § 245, subd. (a)(1), counts 3 & 4). Before trial the prosecution dismissed count 2, and the court renumbered the assault charges as counts 2 and 3. A jury found defendant not guilty of counts 1 and 3, but guilty of misdemeanor petty theft (Pen. Code, §§ 484, subd. (a), 488) as a lesser offense to count 1, and could not reach a verdict on count 2. The prosecution later dismissed count 2.

The court sentenced defendant to 180 days in jail (the statutory maximum), and awarded him 250 days of presentence custody credits (125 actual and 125 conduct). The court imposed a \$100 state restitution fine (Pen. Code, §§ 1202.4, 1202.4, subd. (b)), a \$40 court security fee (Pen. Code, § 1465.8), and a \$30 criminal conviction assessment (Gov. Code, § 70373, subd. (a)(1)). The court said it would waive these mandatory fines and fees if it had the power to do so.

Defendant filed a timely notice of appeal. We appointed counsel to represent him on appeal. Counsel filed a brief summarizing the proceedings and facts of the case and advised the court he found no arguable issues to assert on defendant's behalf. (*Anders v. California* (1967) 386 U.S. 738; *People v. Wende* (1979) 25 Cal.3d 436.) To assist us in our independent review, counsel suggested we consider whether (1) defendant's excess custody credits could be used to satisfy the fines and fees imposed, and (2) defendant was effectively represented at trial.

Defendant filed a supplemental brief on his own behalf. He complains he did not get a fair trial on the lesser included misdemeanor offense because he was focused on defending against the charged felony offenses. He claims he was wrongfully arrested on the false pretense that he had committed the felonies. He also attacks the credibility of the prosecution witnesses, and makes a host of factual arguments, some supported by the record and some not.

DISCUSSION

We have independently reviewed the entire record according to our obligations under *Anders v. California, supra*, 386 U.S. 738 and *People v. Wende, supra*, 25 Cal.3d 436, and we have found no arguable issues on appeal.

Defendant's excess custody credits cannot be used to satisfy the \$100 state restitution fine (Pen. Code, § 2900.5, subd. (a); *People v. McCoy* (2015) 239 Cal.App.4th 431, review dismissed July 27, 2016, S229296), the \$40 court security fee (*People v. Wallace* (2004) 120 Cal.App.4th 867, 875-876), or the \$30 criminal conviction assessment (*People v. Castillo* (2010) 182 Cal.App.4th 1410, 1413-1414).

We discern no ineffective assistance of trial counsel. To the contrary, it appears the defense provided was highly skilled and largely successful, defeating all of the felony charges.

Defendant's perfunctory unfair trial and wrongful arrest complaints are not supported by any citation to authority or reasoned argument and thus present no cognizable claims. (*People v. Jones* (1998) 17 Cal.4th 279, 304; *People v. Williams* (1997) 16 Cal.4th 153, 206.)

His witness credibility and factual arguments misapprehend the nature of our review. Appellate courts generally do not judge the credibility of witnesses (*People v. Swanson* (1962) 204 Cal.App.2d 169, 172) or reweigh the evidence (see 6 Witkin & Epstein, Cal. Criminal Law (4th ed. 2012) Criminal Appeal, § 171, p. 455).

DISPOSITION

The judgment is affirmed.

THOMPSON, J.

WE CONCUR:

BEDSWORTH, ACTING P. J.

MOORE, J.